

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEVIN SMITH

Plaintiff,

v.

Case No. 12-cv-15440
HON. GERSHWIN A. DRAIN

CITY OF INKSTER, *et al.*

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION TO DEEM ANSWERS TO PLAINTIFF'S
VERIFIED COMPLAINT BY DEFENDANT CITY OF INKSTER TO BE DEEMED
ADMISSIONS, AND DENYING MOTION FOR ORDER TO SHOW CAUSE AS TO
WHY SANCTIONS SHOULD NOT BE IMPOSED [#17]**

On February 18, 2013, Plaintiff filed a Motion to Deem Answers to Plaintiff's Verified Complaint by Defendant, City of Inkster, to be Deemed Admissions and Motion for Order to Show Cause as to Why Sanctions Should be Imposed. *See generally*, Dkt. No. 17. Plaintiff argues that Defendant, City of Inkster, made false pleadings in its answer by responding to "simply plead" paragraphs in the complaint by stating, "Defendant admits nor denies the allegations . . . for lack of sufficient knowledge or information, thereby leaving Plaintiff to his proofs." *See generally* Plt.'s Answer, Dkt. No. 10. Plaintiff also contends that because Defendant's pleadings were "false" the relevant parts should be deemed admissions, and Plaintiff should be awarded attorney's fees and costs for the filing of the present motion. *See* Plt.'s Mot., Dkt. No. pgs. 2- 3.

Defendant filed its original answer on January 21, 2013. On February 22, 2013,

Defendant filed an amended answer to the complaint, resolving some of Plaintiff's objections to the answers. Most of the 356 allegations contained in Plaintiff's forty-two (42) page complaint state facts that may be in dispute or alleged facts that are the proper subject to be addressed in discovery. In fact, many of the allegations are arguments made by the Plaintiff.

The federal rules require a defendant to "admit or deny the averments upon which the adverse party relies." FED. R. CIV. P. 8(b). "Denials shall fairly meet the substance of the averments denied." *Id.* The Court finds that Defendant met the requirements of Federal Rules of Civil Procedure Rule 8 in its amended answer. *See generally*, Amended Answer, Dkt. No. 19. *See also* Fed. R. Civ. P. 8(f) ("All pleadings shall be construed so as to do substantial justice.").

Therefore, for the reasons stated above, Plaintiff's motion to deem Defendant's answers to the verified complaint as admissions [#17] is DENIED.

Furthermore, Plaintiff's request for attorney's fees and costs [#17] are also DENIED.

SO ORDERED.

Dated: April 16, 2013

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/s/Gershwin A Drain
GERSHWIN A. DRAIN
U.S. DISTRICT JUDGE